

ORIGINAL

Decision No. 4588

Decision No. _____.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

CITY OF SAN JOSE,

Complainant,

vs.

SOUTHERN PACIFIC COMPANY,

Defendant.

Case No. 1114.

Earl Lamb and Thomas H. Reed, for City of San Jose

George D. Squires, for Southern Pacific Company.

GORDON, Commissioner,

O P I N I O N.

In this complaint it is alleged that the crossing of North Fifth Street with the Niles line of the Southern Pacific Company is badly obscured; that Fifth Street is a paved street carrying considerable traffic; that the crossing is without protection other than the usual crossing sign and is consequently dangerous to traffic. Complainant asks the Railroad Commission to order the installation of a human flagman or such other protection as the Commission deems necessary. The Railroad Company in its reply denies the necessity of maintaining a human flagman but says it is willing to install an automatic flagman signal. A public hearing was held on this application on August 24th.

North Fifth Street is a wide paved street, devoted to residential purposes, which is intersected at an acute angle by the Southern Pacific Company's tracks. The corners of the intersections of the street are, as alleged, built up so that drivers of vehicles and others approaching the track can secure no view of trains coming from either direction. The railroad company admitted the crossing was dangerous and the only matter in dispute is the method by which the crossing shall be protected.

The traffic over this crossing hardly warrants a human flagman during twelve hours of the day, and it is certainly not heavy enough to necessitate the installation of the two shifts of flagmen which would be required to protect it during the entire twenty-four hours. There is but one track here which has very little switching, and under these conditions an automatic flagman, on duty all the time, is unquestionably the best method of protection when the cost is also taken into consideration.

Two methods of locating these devices have been discussed. The railroad company desires to install the flagman in the center of the street while the city has suggested two flagmen to be located on either side of the crossing at or near the curb lines. On account of the trees which line both sides of the street two flagmen at the curb lines would not afford as safe protection as one flagman in the center of the street, but the city objects to such an installation on two grounds; first, that it would be dangerous to highway traffic and second, that it would be unsightly and out of harmony with the surroundings.

The center of the street is unquestionably the logical place for the installation of the flagman if these objections can be removed, as I think they can be. The center of the street throughout its length is parked in several places; near the railroad crossing the curb of the park to the north is eighty feet from the track and on the south side the nearest curb is seventy-seven feet. If an automatic flagman were installed in the center of the street as close to the railroad as possible, surrounded by a concrete curb, and parked in a manner to conform to the parking of the rest of the street, vehicle traffic would be no more in danger of running into the flagman than it now is of running over the other parking places, and the flagman and the park surrounding it would conform in appearance to the rest of the street.

I believe this should be done, especially since the cost of the curbing and parking will be trifling. The flagman should be lighted at night and a red light should show in both directions along the street when trains are approaching the crossing. The city has offered to keep the grass trimmed in the plot surrounding the flagman and it will probably desire to install a similar parking place on the opposite side of the track after this installation is made by the Southern Pacific Company.

I recommend the following form of order:-

O R D E R.

CITY OF SAN JOSE having complained of the crossing of North Fifth Street by the track of Southern Pacific Company, and a public hearing having been held, and it appearing that this crossing is dangerous and should be protected by an automatic flagman,

IT IS HEREBY ORDERED, that Southern Pacific Company be and it hereby is ordered to install, at its own expense, three months from the date of this order, an automatic flagman for the protection of this crossing, in the center of the highway; the flagman to be surrounded by a suitable curb and park to protect vehicles from running into it and to conform to the improvements on North Fifth Street, in accordance with a plan which shall be submitted in advance to the Railroad Commission and approved by it.

The Commission reserves the right to make such further orders relative to the protection of this crossing as to it may seem right and proper.

The foregoing opinion and order are hereby approved
and ordered filed as the opinion and order of the Railroad
Commission of the State of California.

Dated at San Francisco, California, this 29th day
of August, 1917.

Max Thelen

Elmer Gordon

Frank R. Weston

Commissioners.